

UNITED STATES DISTRICT COURT
for
WESTERN DISTRICT OF TENNESSEE

FILED BY JE D.C.U.S.A. vs. Toya MaxwellDocket No.: 052CR20058AM1: 10

Petition on Probation and Supervised Release

2-2005⁸

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

COMES NOW **Brenda L. Carpten**, PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Toya Maxwell, who was placed on supervision by the Honorable Bernice B. Donald sitting in the Court at Memphis, TN, on the 6th day of August, 2002, who fixed the period of supervision at three (3) years, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

1. The defendant will pay restitution in the amount of \$1,500.00. (Balance \$840.00)

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

While Ms. Maxwell has basically responded well to supervision, there are some unresolved matters which Your Honor should be made aware of. Ms. Maxwell has not completed payment of the Court ordered restitution in the amount of \$1,500.00. She made fairly consistent payments to the best of her ability in the amount of \$50.00 monthly, totaling \$660.00, leaving a balance of \$840.00. Ms. Maxwell signed a Payment Agreement with the United States Attorney's Office wherein she has agreed to pay \$50.00 per month until her restitution balance is paid in full.

In addition, Ms. Maxwell was arrested on February 22, 2005, and charged with Aggravated Burglary. According to the Affidavit of Complaint, the defendant and her sister went to the residence of the defendant's ex-boyfriend, Marcus Jones, and forced entry into the apartment. The defendant took Mr. Jones keys, ring and necklace, valued at \$600.00. The defendant then left the apartment. When the police arrived, they called the defendant and requested she return Mr. Jones' keys. When the defendant returned to the apartment with Mr. Jones' keys, she was arrested. The defendant denies the facts as stated in the Affidavit of Complaint. Mr. Jones stated that he plans to follow through with the prosecution of Ms. Maxwell. The matter was Held to State on April 20, 2005. No court date has been set at this time. Due to the domestic nature of the offense as well as the disputed facts and the limited time remaining under Federal supervision, it is recommended that no action be taken relative to revocation of supervision. It is this officer's opinion that the resolution of this matter in State Court, whatever sentence is ordered, will be sufficient punishment for the defendant's involvement in this offense.

PRAYING THAT THE COURT WILL ORDER that Ms. Maxwell's Probation terminate as scheduled on August 5, 2005, with the understanding that the United States Attorney's Office will pursue collection of restitution, and that no action be taken relative to re-arrest.

ORDER OF COURT

Considered and ordered this 28 day
of July, 2005, and ordered filed
and made a part of the records in the above
case.

[Signature]
United States District Judge

Respectfully,

Brenda L. Carpten

Brenda L. Carpten
U. S. Probation Officer

Place: Memphis, TennesseeDate: July 26, 2005

603



Notice of Distribution

This notice confirms a copy of the document docketed as number 603 in case 2:02-CR-20058 was distributed by fax, mail, or direct printing on August 1, 2005 to the parties listed.

Kemper B. Durand
THOMASON HENDRIX HARVEY JOHNSON & MITCHELL
40 S. Main St.
Ste. 2900
Memphis, TN 38103--552

Tracy Lynn Berry
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT